

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
James Atkins
Sherry Lynn Atkins

Case No.: 16-14179
Judge: Kaplan
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Original | <input type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input type="checkbox"/> Motions Included | <input checked="" type="checkbox"/> Modified/No Notice Required | <input type="checkbox"/> No Discharge Sought |

Date: January 3, 2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 200 per month to the Chapter 13 Trustee, starting on
February 1 for approximately 6 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☒ Other information that may be important relating to the payment and length of plan:

Due to unemployment of Debtor 1, who will file permanent modified plan if new employment is found or will seek to convert to Chapter 7 if not able to find new employment.

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

| Creditor | Type of Priority | Amount to be Paid |
|----------|------------------|-------------------|
| None | | |

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

| Creditor | Collateral or Type of Debt | Arrearage | Interest Rate on Arrearage | Amount to be Paid to Creditor (In Plan) | Regular Monthly Payment (Outside Plan) |
|----------|----------------------------|-----------|----------------------------|---|--|
| None | | | | | |

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Superior Liens | Value of Creditor Interest in Collateral | Annual Interest Rate | Total Amount to be Paid |
|----------|------------|----------------|------------------------|----------------|--|----------------------|-------------------------|
| None | | | | | | | |

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

| Creditor | Collateral to be Surrendered | Value of Surrendered Collateral | Remaining Unsecured Debt |
|----------------------|------------------------------|---------------------------------|--------------------------|
| M&T Bank | 335 Bunting Ave Trenton NJ | 167500.00 | 0.00 |
| Santander Bank | 335 Bunting Ave, Trenton NJ | 167500.00 | 0.00 |
| Springleaf Financial | 335 Bunting Ave, Trenton NJ | 167500.00 | 0.00 |

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Ally Financial
TD Bank

e. Secured Claims to be Paid in Full Through the Plan:

| Creditor | Collateral | Total Amount to be Paid Through the Plan |
|----------|------------|--|
| None | | |

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

| Creditor | Basis For Separate Classification | Treatment | Amount to be Paid |
|----------|-----------------------------------|-----------|-------------------|
| None | | | |

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

| Creditor | Nature of Contract or Lease | Treatment by Debtor |
|----------|-----------------------------|---------------------|
| None | | |

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

| Creditor | Nature of Collateral | Type of Lien | Amount of Lien | Value of Collateral | Amount of Claimed Exemption | Sum of All Other Liens Against the Property | Amount of Lien to be Avoided |
|----------|----------------------|--------------|----------------|---------------------|-----------------------------|---|------------------------------|
| None | | | | | | | |

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Amount of Lien to be Reclassified |
|----------|------------|-----------------------------------|
| None | | |

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Amount to be Deemed Secured | Amount to be Reclassified as Unsecured |
|----------|------------|--------------------------------|---|
| | | | |

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Other Administrative Claims (If Any)
- 3) Secured Claims
- 4) Unsecured Claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: June 17, 2016.

Explain below **why** the plan is being modified:
Debtor 1 currently not employed

Explain below **how** the plan is being modified:
Reduce monthly payment until Debtor 1 employed or requests conversion to Chapter 7

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: January 3, 2017

/s/ Mark A. Kriegel

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: January 3, 2017

/s/ James Atkins

Debtor

Date: January 3, 2017

/s/ Sherry Lynn Atkins

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 James Atkins
 Sherry Lynn Atkins
 Debtors

Case No. 16-14179-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 43

Date Rcvd: Jan 18, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 20, 2017.

db/jdb
 cr +James Atkins, Sherry Lynn Atkins, 335 Bunting Ave, Trenton, NJ 08611-3205
 Santander Bank, N.A., Gross McGinley, LLP, c/o Loren L Speziale, 33 South Seventh Street,
 PO Box 4060, Allentown, PA 18105-4060
 516041900 +Best Buy, PO Box 9001007, Louisville, KY 40290-1007
 516105132 +Brixmor GA Dover Park Plaza LLC, c/o Dana S. Plon, Esquire, Sirlin Lesser & Benson, P.C.,
 123 South Broad Street, Suite 2100, Philadelphia, PA 19109-1042
 516041901 +Brixmor Property Group, One Fayette St., Suite 150, Conshohocken, PA 19428-2081
 516041902 Capital One, PO Box 71107, Charlotte, NC 28272-1107
 516041903 Chase, PO Box 15153, Wilmington, DE 19886-5153
 516041904 Citi Cards, PO Box 9001037, Louisville, KY 40290-1037
 516041907 +Edwin Lightig, 3527 Mt. Diablo Blvd., #310, Lafayette, CA 94549-3815
 516041908 Fulton Bank, PO Box 790408, Saint Louis, MO 63179-0408
 516226011 +Krista Freitag, Att: Allen Matkins Leck Gamble, 515 S Figueroa St 9th Fl,
 Los Angeles, CA 90071-3301
 516569126 +Krista Freitag, At: Yale K Kim, 865 S Figueroa St, St 2800, Los Angeles, CA 90017-2543
 516041910 +Margaret Grobner, Trustee, Grobner Trust, 7114 W. Dove Court, Milwaukee, WI 53223-2766
 516041913 +Overstock, PO Box 659707, San Antonio, TX 78265-9707
 516041916 +Santander Bank, 1130 Berkshire Blvd, Floor 3, Reading, PA 19610-1242
 516156043 Santander Bank, N.A., c/o Loren L. Speziale, Esquire, Gross, McGinley, LLP,
 33 South 7th Street, PO Box 4060, Allentown, PA 18105-4060
 516041917 Sears Card, PO Box 78051, Phoenix, AZ 85062-8051
 516041919 TD Bank, PO Box, Lewiston, ME 04243
 516282943 eCAST Settlement Corporation, PO Box 29262, New York NY 10087-9262

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 18 2017 23:38:24 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Jan 18 2017 23:38:21 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516058404 E-mail/Text: ally@ebn.phinsolutions.com Jan 18 2017 23:37:25 Ally Capital, PO Box 130424,
 Roseville, MN 55113-0004
 516041899 +E-mail/Text: ally@ebn.phinsolutions.com Jan 18 2017 23:37:25 Ally Financial,
 200 Renaissance Center, Detroit, MI 48243-1300
 516276271 +E-mail/Text: bnc@bass-associates.com Jan 18 2017 23:37:23 Cavalry SPV I, LLC,
 c/o Bass & Associates, P.C., 3936 E. Ft. Lowell Rd., Suite 200, Tucson, AZ 85712-1083
 516061156 E-mail/Text: mrdiscen@discover.com Jan 18 2017 23:37:27 Discover Bank,
 Discover Products Inc., PO Box 3025, New Albany, OH 43054-3025
 516041905 E-mail/Text: mrdiscen@discover.com Jan 18 2017 23:37:27 Discover Card, PO Box 71084,
 Charlotte, NC 28272-1084
 516041906 E-mail/Text: dplbk@discover.com Jan 18 2017 23:38:47 Discover Personal Loans, PO Box 6105,
 Carol Stream, IL 60197-6105
 516094954 +E-mail/Text: dplbk@discover.com Jan 18 2017 23:38:47 Discover Personal Loans, POB 30954,
 Salt Lake City, UT 84130-0954
 516287264 E-mail/PDF: resurgentbknofifications@resurgent.com Jan 18 2017 23:36:44
 LVNV Funding, LLC its successors and assigns as, assignee of FNBM, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 516158938 E-mail/Text: camanagement@mtb.com Jan 18 2017 23:38:08 Lakeview Loan Servicing, LLC,
 c/o M&T Bank, P.O. Box 840, Buffalo, NY 14240-0840
 516041909 E-mail/Text: camanagement@mtb.com Jan 18 2017 23:38:08 M&T Bank, 1 Fountain Plaza,
 Buffalo, NY 14203-1420
 516288274 E-mail/PDF: cbp@onemainfinancial.com Jan 18 2017 23:36:17 ONEMAIN FINANCIAL GROUP, LLC,
 PO BOX 70912, CHARLOTTE, NC 28272-0912
 516041911 E-mail/PDF: cbp@onemainfinancial.com Jan 18 2017 23:36:17 One Main Financial,
 PO Box 183172, Columbus, OH 43218-3172
 516290129 +E-mail/PDF: cbp@onemainfinancial.com Jan 18 2017 23:35:55 OneMain Financial Group LLC,
 605 Munn Rd, Ft Mill, SC 29715-8421
 516207201 +E-mail/PDF: cbp@onemainfinancial.com Jan 18 2017 23:36:40
 OneMain Financial Group, LLC as servicer for Wells, 6801 Colwell Blvd,
 Mail Stop: NTSB: 1310, IRVING, TX 75039-3198
 516296755 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 18 2017 23:44:14
 Portfolio Recovery Associates, LLC, c/o Best Buy, POB 41067, Norfolk VA 23541
 516296757 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 18 2017 23:43:55
 Portfolio Recovery Associates, LLC, c/o Elan Fulton Bank, POB 41067, Norfolk VA 23541
 516296750 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 18 2017 23:44:15
 Portfolio Recovery Associates, LLC, c/o Sears Premier Card, POB 41067, Norfolk VA 23541
 516041914 +E-mail/Text: ed@gsldvisory.com Jan 18 2017 23:39:04 Pension Income, LLC, 7777 Center Ave,
 Suite 375, Huntington Beach, CA 92647-9134
 516118659 E-mail/Text: bnc-quantum@quantum3group.com Jan 18 2017 23:38:12
 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,
 Kirkland, WA 98083-0788
 516162969 E-mail/PDF: cbp@onemainfinancial.com Jan 18 2017 23:35:55 SPRINGLEAF FINANCIAL SERVICES,
 P.O. BOX 3251, EVANSVILLE, IN 47731-3251

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 43

Date Rcvd: Jan 18, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516041918 E-mail/PDF: cbp@onemainfinancial.com Jan 18 2017 23:36:40 Springleaf Financial,
601 NW 2nd St., Evansville, IN 47708
516158202 +E-mail/Text: n.miller@santander.us Jan 18 2017 23:39:19 Santander Bank, 601 Penn St,
Reading, PA 19601-3544

TOTAL: 24

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr* +Brixmor GA Dover Park Plaza LLC, c/o Dana S. Plon, Esquire, Sirlin Lesser & Benson, P.C.,
123 South Broad Street, Suite 2100, Philadelphia, PA 19109-1042
516041912* One Main Financial, PO Box 183172, Columbus, OH 43218-3172
516041915* +Pension Income, LLC, 7777 Center Ave, Suite 375, Huntington Beach, CA 92647-9134
516395032* +Santander Bank, 601 Penn St, Reading, PA 19601-3544
TOTALS: 0, * 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 20, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 12, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Dana S Plon on behalf of Creditor Brixmor GA Dover Park Plaza LLC dplon@sirlinlaw.com
Denise E. Carlon on behalf of Creditor Lakeview Loan Servicing, LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Loren L. Speziale on behalf of Creditor Santander Bank, N.A. lspeziale@grossmcginley.com,
jkacsur@grossmcginley.com;epellegrino@grossmcginley.com
Mark Kriegel on behalf of Debtor James Atkins mkriegel@kriegellaw.com
Mark Kriegel on behalf of Joint Debtor Sherry Lynn Atkins mkriegel@kriegellaw.com
TOTAL: 7